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of their title to the land and right to claim the fisheries in the waters lying over them, was one of the questions before the Supreme Court of Tennessee, in *State v. West Tennessee Land Co.*, 158 *Southwestern Reporter*, 746. In answering the question the court said, "As these lands were grantable by North Carolina, and were subject to private ownership before the formation of the lake, we are of opinion that the mere fact that they have since become submerged by a body of navigable water does not deprive the owners of their title to the land as long as they can be reasonably identified. Upon all of the authorities, this title and ownership will carry with it the exclusive right of fishery in the waters over these grants. This, of course, does not include the right of detaining the fish, or preventing their free movement through the waters of the lake, and only includes the exclusive right to take fish in the waters over these grants as they may be found according to their natural inclination."

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**Fraud in Marriage Contracts.**—When a woman marries a man must she take him for better or for worse or only for that he is actually represented to be? Bringing that question closer home, it may be stated in this light: Where there is pending a proposal of marriage, and a third person misrepresents something to one of the parties, is such third person bound to make good the thing in the manner in which he represented it? A case in point involving this novel question is *Beach v. Beach*, 141 *Northwestern Reporter*, 921. Briefly, the history of the case is: August Beach and his mother, Rosa Beach, lived on a farm. Rosa was solicitous to have her son marry; so, taking the matter in her own hands, and without the knowledge or consent of August, sought correspondence with a woman signing and using her son's name for the purpose of bringing about their union in the bond of matrimony. During such correspondence, however, and shooting a trifle beyond her mark, she represented to the woman that her son was the owner of the farm on which he lived. This statement proved to be splendid bait. She was soon landed and August became her husband. Then came the storm. The new daughter-in-law soon learned that the mother-in-law had done August's wooing for him, and, what is worse, had lied about the farm. It wasn't his farm at all. It belonged to mother-in-law. She would sue her for this fraud, and sue her she did. The trial resulted in a verdict in the sum of \$1,600, and now mother-in-law appeals. The Supreme Court of Iowa holds that the law of marriage, in so far as property interests are concerned, is founded on business principles in which the utmost good faith is required from all the parties, and the least fraud in connection therewith is the subject of judicial cognizance, and hence a false representation by a mother that her son is the owner of specific real estate, made to induce a woman to marry him, is actionable fraud for which the mother is liable in damages. The case is reversed,

though, because of an erroneous instruction on the measure of damages.

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**The Lost Cause.**—In view of the recent fraternal mingling at Gettysburg during the past summer of the soldiers who wore the blue and those who wore the gray, it is interesting to note that the Kentucky Court of Appeals, in the case of *Bosworth v. Harp*, 157 Southwestern Reporter, 1087, also recognized the devotion to principle of those who followed the Lost Cause. In deciding that a statute granting pensions to individual Confederate soldiers did not violate a constitutional provision prohibiting a grant of public emoluments to any man except in consideration of "public service," the court said: "The Southern soldiers fought for a principle"—the right of each state to regulate its local affairs. The Kentucky soldiers who fought in the Confederate army fought to maintain that principle for the state of Kentucky, and, while they lost in the wager of battle, Kentucky has always recognized that they fought for a principle and were rendering public service to their state; and added that, while the Kentucky soldiers in the Federal army faithfully served a recognized sovereign as those in the Confederate army, "served no less faithfully their state," the sovereign to whom they deemed they owed their first allegiance, and that sovereign may, with equal propriety honor their self-sacrifice, gallantry, and patriotism by protecting them in their age from want.

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**Injunction against Alienated Affections.**—In an action for alienation of affections of plaintiff's husband, may equity enjoin pendente lite the woman charged with having enticed away from plaintiff the love and affection of her husband from the continuance of those acts which lie at the foundation of the cause of action? This question, most unusual in respect to the power of the court of equity, is directly presented in *Hall v. Smith*, 140 New York Supplement, 796. The Supreme Court, Special Term, of New York holds that although at common law a wife could not maintain an action for the alienation of her husband's affections or for the consequent loss of consortium, because, among other things, of the wife's lack of any property right in the affections and companionship of her husband, and her incapacity to sue without joining her husband with her, yet the principles of the common law have been in this as well as in other respects affecting the marital relations and the relative rights of husband and wife abrogated by the innovating spirit of modern legislation so now a wife may sue for the alienation of her husband's affections. In respect to restraining the defendant pendente lite in a proper case, the right to grant such an injunction resides in the court of equity, and it is not unduly extending the jurisdiction or cognizance of the court to restrain the impending, threatened, or continued commission of such